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March 13, 2019

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Connect America Fund*, WC Docket No. 10-90

Dear Ms. Dortch:

On March 11, 2019, Christopher Murphy of Viasat, Inc. (“Viasat”), along with the undersigned and John Janka of Latham & Watkins LLP, met with Arielle Roth, Wireline Legal Advisor to Commissioner O’Rielly, and with Thomas M. Johnson, Jr., General Counsel, and Linda Oliver and Richard Mallen of the Office of General Counsel, regarding the pending petitions for reconsideration of the *Performance Metrics Order* issued on July 6, 2018 in the above-referenced proceeding.¹ On March 12, 2019, the same group met with Suzanne Yelen, Alex Minard, Stephen Wang, Cathy Zima, Rodger Woock, and Alec MacDonell of the Wireline Competition Bureau, and with Kerry Murray of the International Bureau, regarding the same matters. Additionally, on March 13, 2019, the same group met with Preston Wise, Special Counsel to Chairman Ajit Pai, regarding these matters.

At these meetings, we reiterated Viasat’s request for reconsideration of two aspects of the *Performance Metrics Order*: (1) the requirement that satellite broadband providers receiving CAF II support must retain third parties to conduct performance testing, and (2) the reliance on laboratory testing procedures specified in ITU-T Recommendation P.800 to perform “real-world” tests of latency. We urged the Commission to adjust and clarify the testing framework on a going-forward basis in a manner that ensures competitive and technological neutrality, minimizes unwarranted burdens and costs for supported services, and eliminates uncertainty regarding important features of the performance-testing regime, as set forth in Viasat’s prior submissions on these issues.² We also explained that the relief Viasat is seeking concerns compliance with testing

¹ *Connect America Fund*, Order, 33 FCC Rcd 6509 (WCB, WTB, & OET 2018) (“*Performance Metrics Order*”).

² See, e.g., Petition for Reconsideration of Viasat, Inc., WC Docket No. 10-90 (filed Sept. 19, 2018); Reply of Viasat, Inc. in Support of Its Petition for Reconsideration, WC Docket No. 10-90 (filed Nov. 19, 2018).

LATHAM & WATKINS^{LLP}

obligations that will apply to *future* supported services and thus does not involve “primary retroactivity,” as Viasat’s prior submissions discuss at length.³

Please contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Matthew T. Murchison

cc: Thomas M. Johnson, Jr.
Alec MacDonell
Richard Mallen
Alexander Minard
Linda Oliver
Arielle Roth
Stephen Wang
Preston Wise
Rodger Woock
Suzanne Yelen
Cathy Zima

³ See, e.g., Viasat, Inc., Letter, WC Docket No. 10-90 (filed Dec. 18, 2018); Viasat, Inc., Letter, WC Docket No. 10-90 (filed Feb. 25, 2019).